

House Bill 658

By: Representative Powell of the 29<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Code Section 47-2-123 of the Official Code of Georgia Annotated, relating to  
2 allowance payable under the Employees' Retirement System of Georgia upon death,  
3 disability, or involuntary separation from employment, restrictions on separating from state  
4 service, and employee entitled to involuntary separation benefits, so as to provide that  
5 disability benefit calculations shall be applicable without regard to age; to provide conditions  
6 for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Code Section 47-2-123 of the Official Code of Georgia Annotated, relating to allowance  
10 payable under the Employees' Retirement System of Georgia upon death, disability, or  
11 involuntary separation from employment, restrictions on separating from state service, and  
12 employee entitled to involuntary separation benefits, is amended by revising subsection (c)  
13 as follows:

14 "(c) Any member who is at least 60 years of age upon ~~disability retirement~~, involuntary  
15 separation from employment without prejudice, ~~or death~~ shall receive the equivalent of a  
16 service retirement allowance. Any such member who is under 60 years of age shall  
17 receive, ~~as appropriate, a disability allowance~~, allowance in case of involuntary separation  
18 from employment without prejudice, ~~or death allowance~~, which shall consist of:

19 (1) In the case of a member with at least 15 years of service, 75 percent of the service  
20 retirement allowance which would have been payable upon service retirement at age 60  
21 had the member continued in service to age 60 without further change in compensation,  
22 provided that this paragraph shall not apply to a member whose employment was  
23 terminated by involuntary separation without prejudice;

24 (2) In the case of a member with at least 20 years of service, the service retirement  
25 allowance which would have been payable upon service retirement at age 60 had the  
26 member continued in service to age 60 without further change in compensation;

(3) In the case of a member with at least 25 years of service, 75 percent of the service retirement allowance which would have been payable upon service retirement at age 65 had he or she continued in service without further change in compensation; or

(4) In the case of a member with at least 30 years of service, the service retirement allowance which would have been payable upon service retirement at age 65 had he or she continued in service without further change in compensation.

Any provisions of this chapter to the contrary notwithstanding, in the application of the above paragraphs of this subsection ~~relating to allowances other than for disability or death, projected retirement allowance~~ computations shall be made on the basis of the member's highest total monthly earnable compensation, as reflected by monthly contributions made during the last 24 calendar months in which he or she had made contributions, except that no salary increase by adjustment in compensation in any manner in excess of 10 percent during the last 12 months of membership service shall be included in the projected computation."

## SECTION 2.

Said Code section is further amended by adding following subsection (c) a new subsection as follows:

"(c.1) Any member upon disability retirement or death shall receive a disability allowance or death allowance, which shall consist of:

(1) In the case of a member with at least 15 years of service, 75 percent of the service retirement allowance which would have been payable upon service retirement at age 60 had the member continued in service to age 60 without further change in compensation, provided that this paragraph shall not apply to a member whose employment was terminated by involuntary separation without prejudice;

(2) In the case of a member with at least 20 years of service, the service retirement allowance which would have been payable upon service retirement at age 60 had the member continued in service to age 60 without further change in compensation;

(3) In the case of a member with at least 25 years of service, 75 percent of the service retirement allowance which would have been payable upon service retirement at age 65 had he or she continued in service without further change in compensation; or

(4) In the case of a member with at least 30 years of service, the service retirement allowance which would have been payable upon service retirement at age 65 had he or she continued in service without further change in compensation."

**SECTION 3.**

This Act shall become effective on July 1, 2008, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 2008, as required by subsection (a) of Code Section 47-20-50.

**SECTION 4.**

All laws and parts of laws in conflict with this Act are repealed.